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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
SUSTAINING OBJECTION OF USACM
TRUST TO MARGUERITE ROHAY'S
CLAIM FILED IN WRONG DEBTOR'S
CASE; AND SUSTAINING OBJECTION
OF DTDF TO PROPOSED ALLOWANCE
OF CLAIM; AND CERTIFICATE OF
SERVICE**

PLEASE TAKE NOTICE that on the 1st day of November 2007, the Court in the above-captioned case entered its Order Sustaining Objection of USACM Trust to Marguerite Rohay's Claim Filed in Wrong Debtor's Case; and Sustaining Objection of DTDF to Proposed Allowance of Claim, a copy of which is attached hereto.

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1 DATED this 5th day of November 2007.

2 **LEWIS AND ROCA LLP**

3 By /s/ Anne M. Loraditch (008164)

4 Susan M. Freeman

5 Rob Charles

6 Anne M. Loraditch

7 530 Las Vegas Boulevard South

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11 *Attorneys for USACM Liquidating Trust*

12 **CERTIFICATE OF SERVICE**

13 I certify that a copy of the foregoing was served via first class mail, postage
14 prepaid, addressed as set forth below, on this 5th day of November 2007, to:

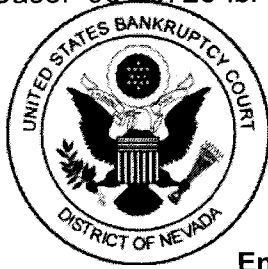
15 Marguerite Rohay

16 5935 W Oakey Blvd

17 Las Vegas, NV 89146

18 By /s/ Tamika Shauntee

19 Tamika Shauntee, Lewis and Roca LLP



Entered on Docket
November 01, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO MARGUERITE
ROHAY'S CLAIM FILED IN WRONG
DEBTOR'S CASE; AND SUSTAINING
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007

Hearing Time: 9:30 a.m.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

LEWIS
AND
ROCA
—LLP—
LAWYERS

The Court having considered the “Objection of USACM Trust to Marguerite Rohay’s Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of Claim” [Docket No. 4707] (the “Objection”); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained;
2. Proof of Claim No. 10725-00836 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”); and
3. Marguerite Rohay’s equity interest in DTDF is allowed in the amount of \$24,023.66, as reflected in DTDF’s books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

SNELL & WILMER, LLP

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By /s/ Claire Dossier (010030)

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and

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*Attorneys for USA Capital Diversified
Trust Deed Fund, LLC*



1 **RULE 9021 DECLARATION**

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 ☐ The Court waived the requirements of LR 9021.
- 4 ☐ I have delivered a copy of the proposed order to the Office of the United States
- 5 Trustee and the parties who filed papers in response to the Objection or appeared at
- 6 the hearing noted above, and each has:
- 7 ☐ approved the form of this order; and/or
- 8 ☐ waived the right to review the order; and/or
- 9 ☐ failed to file and serve papers in accordance with LR 9021(c); and
- 10 the following have disapproved the form of the order:
- 11 n/a
- 12 ☒ No opposition was filed to the objection and no other party or counsel appeared at
- 13 the hearing.

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